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ORDINANCE NO. 2001 - 076

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989  
COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO.  
89-17, AS AMENDED; AMENDING THE HOUSING ELEMENT  
(TO REVISE AND UPDATE); AND AMENDING ALL ELEMENTS  
AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN  
CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING  
FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND  
PROVIDING FOR AN EFFECTIVE DATE

12            WHEREAS, on August 31, 1989, the Palm Beach County Board of  
13            County Commissioners adopted the 1989 Comprehensive Plan by Ordinance  
14            No. 89-17;

15            WHEREAS, the Palm Beach County Board of County Commissioners  
16            amends the 1989 Comprehensive Plan as provided by Chapter 163, Part  
17            II, Florida Statutes; and

18            WHEREAS, the Palm Beach County Board of County Commissioners have  
19            initiated amendments to several elements of the Comprehensive Plan in  
20            order to promote the health, safety and welfare of the public of Palm  
21            Beach County; and

22            WHEREAS, the Palm Beach County Local Planning Agency conducted  
23            its public hearings on June 15, 22 and July 13, 2001 to review the  
24            proposed amendments to the Palm Beach County Comprehensive Plan and  
25            made recommendations regarding the proposed amendments to the Palm  
26            Beach County Board of County Commissioners pursuant to Chapter 163,  
27            Part II, Florida Statutes; and

28            WHEREAS, the Palm Beach County Board of County Commissioners, as  
29            the governing body of Palm Beach County, conducted a public hearing  
30            pursuant to Chapter 163, Part II, Florida Statutes, on August 14, 2001  
31            to review the recommendations of the Local Planning Agency, whereupon  
32            the Board of County Commissioners authorized transmittal of proposed  
33            amendments to the Department of Community Affairs for review and  
34            comment pursuant to Chapter 163, Part II, Florida Statutes; and

35            WHEREAS, Palm Beach County received on November 5, 2001 the  
36            Department of Community Affairs "Objections, Recommendations, and  
37            Comments Report," dated November 2, 2001 which was the Department's  
38            written review of the proposed Comprehensive Plan amendments; and

39            WHEREAS, the written comments submitted by the Department of  
40            Community Affairs contained no objections to the amendments contained  
41            in this ordinance;

1                   **WHEREAS**, on December 5, 2001 the Palm Beach County Board of  
2 County Commissioners held a public hearing to review the written  
3 comments submitted by the Department of Community Affairs and to  
4 consider adoption of the amendments; and

5                   **WHEREAS**, the Palm Beach County Board of County Commissioners has  
6 determined that the amendments comply with all requirements of the  
7 Local Government Comprehensive Planning and Land Development  
8 Regulations Act.

9                   **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
10 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that:

11                   Part I. Amendments to the 1989 Comprehensive Plan

12                   Amendments to the text of the following Element of the 1989  
13 Comprehensive Plan are hereby adopted and attached to this Ordinance  
14 in Exhibit 1:

15                   A.     Housing Element, to revise and update; and

16                   B.     Amending all elements as necessary for internal  
17 consistency.

18                   Part II. Repeal of Laws in Conflict

19                   All local laws and ordinances applying to the unincorporated area  
20 of Palm Beach County in conflict with any provision of this ordinance  
21 are hereby repealed to the extent of such conflict.

22                   Part III. Severability

23                   If any section, paragraph, sentence, clause, phrase, or word of  
24 this Ordinance is for any reason held by the Court to be  
25 unconstitutional, inoperative or void, such holding shall not affect  
26 the remainder of this Ordinance.

27                   Part IV. Inclusion in the 1989 Comprehensive Plan

28                   The provision of this Ordinance shall become and be made a part  
29 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
30 Ordinance may be renumbered or relettered to accomplish such, and the  
31 word "ordinance" may be changed to "section," "article," or any other  
32 appropriate word.

33                   Part V. Effective Date

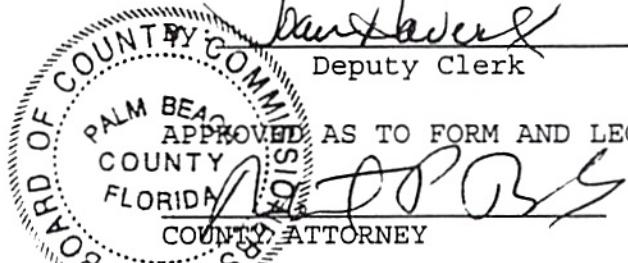
34                   The effective date of this plan amendment shall be the date a  
35 final order is issued by the Department of Community Affairs or  
36 Administration Commission finding the amendment in compliance in

1 accordance with Section 163.3184, Florida Statutes, whichever occurs  
2 earlier. No development orders, development permits, or land uses  
3 dependent on this amendment may be issued or commence before it has  
4 become effective. If a final order of noncompliance is issued by the  
5 Administration Commission, this amendment may nevertheless be made  
6 effective by adoption of a resolution affirming its effective status,  
7 a copy of which resolutions shall be sent to the Department of  
8 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak  
9 Boulevard

10 Tallahassee, Florida 32399-2100.

11 APPROVED AND ADOPTED by the Board of County Commissioners of  
12 Palm Beach County, on the 5 day of December, 2001.

13 ATTEST:  
14 DOROTHY H. WILKEN, Clerk  
15 PALM BEACH COUNTY, FLORIDA,  
16 BY ITS BOARD OF COUNTY COMMISSIONERS



26 Filed with the Department of State on the 14th day of  
27 December, 2001

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## EXHIBIT 1

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### A. Housing Element, Housing Element Revisions

**REVISIONS:** To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text struck out.

#### Objective 1.1 Provision of Affordable Housing

1. **REVISED Policy 1.1-o:** The County shall apply guidelines to preserve affordability of affordable housing units developed through the Voluntary Density Bonus (VDB) program and the Traffic Performance Standards (TPS) affordable housing exception, by limiting the profitability of resale of these units. This is accomplished by using conditions that stipulate, "this unit can only be sold at a rate affordable for very low or low income households for a period of 10 years for ownership units and 15 years for rental. After that time, it may be sold at market rate." The ULDC shall specify the income groups to be addressed in each program. The County shall require that affordable units shall be made available at a rate affordable to the specified income groups, and only to income-eligible households for a period of 10 years for ownership units and for a period of up to 20 years for rental units. Affordability shall also continue to be preserved through restrictions of rental rate escalation, conversions to non-rental use and income qualifications for rental units. The conditions shall continue to be subject to the review and approval of the Board of County Commissioners.

#### 2. REVISED B. Assessment and Conclusions

There are Two types of housing issues being addressed in the Housing Element, affordable housing and housing for "special needs" populations.

The report by the Florida Department of Community Affairs, titled "Affordable Housing Needs Assessment" for in regards to unincorporated Palm Beach County projects a housing need of 131,118 affordable owner-occupied units and 28,376 affordable renter-occupied units by the year 2010. These units reflect the demand above and beyond the current housing supply.

The County's affordable housing activities need to be focused on directing programs and activities to ensure that supply is provided to meet demand, and maintaining the existing housing units through policies to eliminate substandard housing and to provide for relocation.

Geographic dispersal must also be addressed in order to avoid the concentration of affordable housing in specific areas of the County, and at the same time consideration must also be given to the availability of public services and employment opportunities when locating affordable housing.

The housing needs of special needs populations, including rural and farmworker households, goes beyond the issue of affordability. The creation or preservation of adequate housing to meet specific special needs must be addressed, whether it be for foster care, group homes, farmworkers or other special needs.

The 1996 Evaluation and Appraisal Report (EAR), prepared by the Planning Division for the Housing Element found a lack of organized data related to affordable housing and housing for "special needs populations in the County to be a hindrance which did not allow for a full assessment of housing conditions, and prevented a comprehensive ongoing assessment of progress made through the County's programs and other public and private sector efforts. Plan policies needed to identify an implementing agency to ensure that such data is are gathered and the progress of housing related programs is evaluated.

#### 3. REVISED C. Definitions

In order to understand the housing problem in Palm Beach County as described in this Element, the following definitions have been established for income categories, and the term "affordable housing" and three related definitions.

**Adjusted for Family Size:** Means adjusted in a manner which results in an income

eligibility level which is lower for households with fewer than four (4) people, or higher for households with more than four (4) people, than the base income eligibility determined for very low-income persons, low-income persons and moderate-income persons, based upon a formula as established by the United States Department of Housing and Urban Development (HUD).

1. Department of HUD definitions for affordable housing are based on a sliding scale by family size. For families less than or greater than four, please see HUD Income Guidelines.

#### **4. REVISED OBJECTIVE 1.1 Provision of Affordable Housing**

The County, through the Department of Housing and Community Development, shall provide ongoing implementation and monitoring of programs, and shall pursue and secure additional funding sources. The Commission on Affordable Housing shall have primary responsibility for evaluating programs, recommending policies and continuing to administer and maintain the Affordable Housing Trust Fund. These efforts shall be directed toward meeting the need projected by the Florida Department of Community Affairs in its Affordable Housing Needs Assessments for unincorporated Palm Beach County, with special attention to the needs of very low, and low income households, in addition to special populations, including rural and farmworker households. [9J-5.010(3)(b)1 and 7 F.A.C.]

#### **5. REVISED Policy 1.1-b:** The Commission on Affordable Housing shall have responsibility for reviewing progress and making recommendations on affordable housing policies in the County through an annual report and special reports as needed on:

- 1) an evaluation, reassessment and setting of targets and yearly affordable housing priorities as they have been established in all County housing programs, including the federal subsidy programs, based on progress and revised estimates of projected demand;
- 2) a proposal for adjustment to the a particular programs, if necessary, based on the program's evaluation;
- 3) recommendations on the utilization of economic solutions to address a portion of the affordable housing concerns;
- 4) a progress report on responsibilities of the Commission of Affordable Housing established under the State Housing Initiative Partnership Program, the Robert Pinchuck Memorial Affordable Housing Trust Fund, and other responsibilities pursuant to the Affordable Housing Ordinance; and
- 5) recommendations on any affordable housing related issues.

The Commission on Affordable Housing shall continue to evaluate the County's progress in encouraging affordable housing for very low, low and moderate income persons. For this purpose, the Commission on Affordable Housing shall monitor and track the number and location of all affordable units being funded and built through all the County's housing programs. If, by July 1998, it is determined by the Commission on Affordable Housing that the County has not achieved at least a 25 percent increase in the delivery of housing units affordable to very low, and low income persons, above the number delivered by Housing and Community Development in 1994 as measured by the CHAS Annual Performance Report and/or the Annual Consolidated Performance Report, then the Commission on Affordable Housing shall recommend by November 1, 1998, alternative mandatory programs to increase the production of units required to meet the County's need, with special attention to the needs of special populations, including rural and farmworker households. The Commission shall consider and make recommendations on mandatory programs if the Commission concludes such programs will increase the availability of very low and low income housing.

6. **REVISED Policy 1.1-h:** The County shall continue the review and streamlining as needed, of those ordinances, codes and regulations of related to the permitting process, in order to continue the reduction of excessive requirements and amend or add other provisions that increase private sector participation in adding to the supply of affordable housing, pursuant to the requirements of Section 9J-5.010(3)(c)1. & 2., F.A.C.. The County shall consider its existing Affordable Housing Incentive Plan and designate the Department of Housing and Community Development as the lead agency, with assistance from Planning Zoning and Building, the Commission on Affordable Housing, Engineering and other appropriate Departments assistance. [9J-5.010(3)(c)1 and 2 F.A.C.]
7. **REVISED Policy 1.1-n:** The Commission on Affordable Housing, with the assistance of the Department of Housing and Community Development and Planning, Zoning and Building, shall provide education-awareness programs, so that the public can gain a better understanding of the need for affordable housing. These programs should also address residents' "nimbyism" aversion to the proximity of affordable housing and the general negative public perception regarding affordable housing.
8. **REVISED Policy 1.1-p:** Planning, Zoning and Building shall continue to ensure the Unified Land Development Code contains minimum standards and specifications for the construction of manufactured structures, mobile homes or buildings in residential zoning districts, and include supporting infrastructure and public facilities. To ensure the availability of adequate sites, manufactured structures or buildings shall be permitted in all residential zoning districts, subject to the limitations set forth in the Future Land Use Element, and further restricted by the Palm Beach County Unified Land Development Code. [9J-5.010(3)(b)3 and 9J-5.010(3)(c)5 F.A.C.]
9. **REVISED Policy 1.4-a:** Utilizing the best available data for special needs population housing needs, such as the "Residential Survey Analysis Report," October, 1996, conducted by the Health and Human Services Planning Association, Inc., and the Department of Community Affairs, Affordable Housing Needs Assessment, April 1996, the County shall address special needs housing through the following;
- The Department of Housing and Community Development and the Commission on Affordable Housing shall continue to help address the county's special needs housing deficiencies by establishing policies and procedures that will provide continued financial assistance to proposed eligible housing projects that will produce shelter and homeownership opportunities to the: disabled; elderly; farmworker; lower-income; and single-parent headed households. Special Needs housing and services shall remain of the highest priority in the Department of Housing and Community Development's Five Year Consolidated Plan. Also, the Commission on Affordable Housing shall market its available housing assistance to include housing opportunities for all eligible special needs individuals and households.
  - The Department of Housing and Community Development, the Commission on Affordable Housing and the Community Services Department shall provide technical assistance to not-for-profit housing agencies and service provision agencies that provide services and/or housing to special needs households. Such technical assistance shall enable those housing agencies and service providers to locate suitable state, federal and charitable funding sources and make appropriate applications for funding. Local funding sources shall continue to include the Community Development Block Grant (CDBG) program, the Home Investment Partnership Program, the Emergency Shelter Grant Program (ESGP), the State Housing Initiative Partnership (SHIP) program, and the Robert E. Pinchuck Memorial Affordable Housing Trust Fund. The above mentioned county agencies shall also continue to directly apply for state and federal special needs housing funds when warranted. These programs shall provide assistance to individuals and/or households including the: disabled; elderly; homeless; and farmworkers.

pProvide coordination and outreach with agencies involved in the development of housing for all special needs populations, including rural and farmworker populations. [9J-5.010(3)(c)7 F.A.C.]